

YOUTH SERVICES POLICY

Title: Worker's Compensation Next Annual Review Date: 04/11/2013	Type: A. Administrative Sub Type: 2. Personnel Number: A.2.49
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References: ACA Standard 2-CO-1C-05 (Administration of Correctional Agencies); Louisiana Worker's Compensation Act, La. R.S. 23:1208.1; Civil Service Rule 11.21; YS Policies A.2.1 "Employee Manual" and A.2.5 "Family and Medical Leave of Absence"	
STATUS: Approved	
Approved By: Mary L. Livers, Deputy Secretary	Date of Approval: 04/11/2012

I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish the procedures for income compensation when employees are unable to work due to a job-related injury or illness.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Undersecretary, Deputy Assistant Secretaries, Regional Managers, Facility Directors, and all employees of Youth Services (YS). It is the Unit Head's responsibility to ensure that appropriate procedures are in place to comply with the provisions of this policy.

IV. POLICY:

It is the Deputy Secretary's policy to protect employees from the loss of income due to injuries that occur on the job. Eligible employees will be compensated under the Louisiana Worker's Compensation Benefits program.

V. PROCEDURES:

- A. Employees must notify their supervisor immediately should they sustain an injury while on duty. If necessary, the employee should seek medical attention immediately. Supervisors shall report all incidents involving an employee to the Unit Head or designee within one day. All incidents and near misses must be reported even if the incident does not result in loss of time or incur medical expenses. If an injury requires the employee to miss more than seven consecutive days, the employee is eligible for Worker's Compensation benefits.

- It is the responsibility of the employee to contact their Human Resources Office to complete an Incident Report (Unusual Occurrence Report). It is the supervisor's responsibility to notify the unit's Human Resources Office in the event the employee is seriously injured and unable to do so. The Human Resources Liaison shall complete an "Employee Report of Injury/Illness" (E1 Form - see attached) with supporting documentation and forward to the Central Office Human Resources (COHR) to be reported to the Office of Risk Management within five days of receipt. All absences related to the injury should be recorded in LAGOV HCM Payroll as worker's comp leave (LD).
- B. The employee can request Family Medical Leave Act (FMLA) time while on worker's compensation leave. The employee must meet the criteria for FMLA as described in YS Policy A.2.5. If the employee is eligible for FMLA leave, the unit's Human Resources should notify the employee in writing that the leave is covered under FMLA and will run concurrent with worker's compensation.
 - C. The COHR will report the employee's wages to the Office of Risk Management (ORM). This amount must include paid overtime, premium, shift differential, or any other taxable income paid by OJJ during the four weeks prior to the date of injury. The employee is eligible for weekly compensation at the rate of 66 2/3% of his weekly wage, not to exceed a stated maximum amount. This compensation will continue until the employee is released by the physician to return to duty. Medical expenses incurred for a work related injury will be covered by ORM up to the amount covered by the established fee schedules.
 - D. If the employee has been granted approved leave (sick, annual or compensatory) for his absence, the worker's compensation check will be used to buy back a portion of the leave used. The amount of leave to buy back will be calculated by the Human Resources staff and restored to the employee. If the employee has exhausted all leave and is on leave without pay, the workers' compensation check will be forwarded to the employee. **Employees do not earn leave on hours purchased from worker's compensation checks.**
 - E. If the employee requests the worker's compensation check mailed to their designated address and elects not to buy back leave, the unit's Human Resources office must change the coding in ISIS to reflect leave without pay for the value that could have been bought back.
 - F. An employee can not receive both a payroll check and a worker's compensation check for lost time from work.

- G. All medical expenses will continue to be paid until the employee is released from the physician's care. If an employee is on FMLA and leave without pay, the agency is responsible for paying the employee and employer shares of group health and life premiums, subject to reimbursement by the employee. Miscellaneous insurance premiums remain the responsibility of the employee.
- H. The Department of Public Safety (DPS) Human Resources will maintain copies of the checks and forward to the OJJ Office of Management and Finance section to be deposited. Worker's compensation checks expire in 180 days and must be deposited within that timeframe.
- I. The COHR will communicate to timekeepers the appropriate timekeeping codes to be utilized when an employee is on worker's compensation leave.
- J. The DPS Human Resources will notify the applicable retirement system when an employee is out due to a worker's compensation injury and is placed in leave without pay.
- K. The Human Resources Liaison at the facility/regional office is responsible for notifying COHR and ORM when the employee returns to work, retires or terminates his employment.

Previous Regulation/Policy Number: A.2.49

Previous Effective Date: 6/25/10



Attachments/References: E1 Form.doc